

To Protect and Serve... the kids.

News for the Child Abuse Investigator

How much do you really know about child abuse?

To Protect and Serve... the Kids is a monthly publication by the Children's Law Project (CLP).

Answers to frequently asked ?s about child abuse and neglect:¹

1. HOW MANY CHILDREN ARE REPORTED AND INVESTIGATED FOR ABUSE OR NEGLECT EACH YEAR?

In 1995, child protective services (CPS) agencies nationwide investigated an estimated 2 million reports that involved the alleged maltreatment of almost 3 million children.

2. HOW MANY CHILDREN ARE VICTIMS OF MALTREATMENT? CPS agencies in 49 states determined that over 1 million children were victims of substantiated or indicated child abuse and neglect in 1995.

3. WHAT ARE THE MOST COMMON TYPES OF MALTREATMENT?

Neglect is the most common form of child maltreatment. CPS investigations determined that 52% of victims in 1995 suffered neglect, 25% physical abuse, 13% sexual abuse, 5% emotional maltreatment, and 14% other forms of maltreatment. Some children suffer more than one type of maltreatment.

4. WHO ARE THE CHILD VICTIMS?

Child abuse and neglect affects children of all ages. Among children confirmed as victims by CPS agencies in 1995, more than 50% were 7 yrs

old or younger, and about 26% were younger than 4 yrs old.

Both boys and girls experience maltreatment. In 1995, 52% of the victims were female. Some differences exist by type of maltreatment. For example, girls were sexually abused 3 times more often than boys.

5. HOW MANY CHILDREN DIE FROM ABUSE OR NEGLECT EACH YEAR?

In 1995, 45 states reported that 996 children were known by CPS agencies to have died as a result of abuse or neglect. It should come as no surprise that not all child maltreatment fatalities are reported to CPS agencies.

6. WHO ABUSES AND NEGLECTS CHILDREN?

The majority of children in a 1993 study were maltreated by birth parents (78%). Perpetrators tend to differ by type of maltreatment. 67% of abused children were abused by males. The 1993 study suggests that perpetrators of sexual abuse are different than perpetrators of other types of maltreatment. Slightly more than ¼ (29%) of the sexually abused children were abused by a birth parent and 25% were sexually abused by a non-birth parent or parent-substitute (e.g., step-parent, foster parent, parent's boyfriend or girlfriend, etc.). Nearly ½ had been abused by someone other than a parent or parent figure.

7. ARE VICTIMS OF CHILD ABUSE MORE LIKELY TO ENGAGE IN CRIMINALITY LATER IN LIFE?

According to a 1992 study sponsored by the National Institute of Justice (N.I.J.), maltreatment in childhood increases the likelihood of arrest as a juvenile by 53%, as an adult by 38%, and for a violent crime by 38%. Physically abused children are more likely than child victims of other types of maltreatment to be arrested for a violent crime. A related 1994 N.I.J. study indicated that children who

were sexually abused were 28 times more likely than a matching control group of non-abused children to be arrested for prostitution as an adult.

8. IS THERE ANY EVIDENCE LINKING ALCOHOL OR OTHER DRUG USE TO CHILD MALTREATMENT?

A 1993 study by the U.S. Dept. Of Health & Human Services found that children in alcohol-abusing families were nearly 4 times more likely to be maltreated overall, and 10 times more likely to be emotionally neglected than children in non-alcohol-abusing families. Estimates suggest that 50 to 80% of all child abuse cases substantiated by CPS involve some degree of substance abuse by the child's parents.

9. WHO REPORTS CHILD MALTREATMENT?

In 1995, more than ½ of all reports alleging maltreatment came from professionals, including educators, law enforcement and justice officials, medical and mental health professionals, social service professionals, and child care providers. About 19% of reports came from relatives of the child or from the child. Reports from professionals are more likely to be substantiated or indicated than reports from nonprofessional sources.

Offenders Choose Children²

Findings from the largest prison survey ever undertaken show an estimated 61,000 inmates serving time in 1991 for violent crimes against children. Of all prisoners convicted of rape and sexual assault, two-thirds victimized children. More than ½ the

¹Information from National Clearinghouse on Child Abuse and Neglect Information •P.O. Box 1182 •Washington, DC 20013-1182 •(800)FYI-3366 •
<http://www.calib.com/nccanch>

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children were 12 or younger. According to a new Justice Department study, the majority (88%) of offenders had a prior relationship with the victim. 1/3 were the victim's parent or step-parent. Almost all inmates (97%) convicted of attacking children were male; 70% were white, and 64% married or divorced. Among the almost 37,000 children murdered between 1976 and 1994, most died from beatings with fists or blunt objects or by kicking. Most victims were babies under one.

We make house calls!

Need an in-service training? The CLP is available to conduct training on a variety of subjects related to child abuse and neglect cases in both family court and general sessions. Please call (803) 777-1646 for more information.

Update of Pending Legislation:

(Current through 5/12/97. Only bills which have passed at least one body are updated in this issue. For more information, call the Children's Law Project at (803) 777-1646)

H.3546 - Emergency Removal of Children

Passed House with amendment; Referred to Senate Judiciary Committee. The amendment clarifies procedures for taking emergency protective custody of children, redefining emergency protective custody as physical custody for up to 24 hours and eliminating physical custody language.

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S.41 - Child Endangerment / Failure to Stop for a Blue Light Ratified (R38); Signed by Governor.

New Bills:

H.3783 - Notification of Child's Placement

Introduced - Rep. Allison; Referred to Judiciary Committee. This bill would amend §20-7-764 which requires that parents be notified of the location of a child's foster care placement. Under this bill, the placement plan must include a determination as to whether it is in the child's best interest for the parents to be notified. Criteria for making this determination are included.

H.3849 - Child Support Withholding from Prisoners' Wages

Introduced - Rep. Knotts; Referred to Judiciary Committee. The Dept. Of Corrections would be required to withhold from prisoners' wages, and disburse to appropriate clerks of court, money for child support obligations.

H.3861 - Marriage of Young Teenagers

Introduced - Rep. Haskins; Passed House; Referred to Senate Judiciary Committee. Males under the age of 16 and females under the age of 14 could not enter into marriage under this proposal.

H.3888 - Rolling Paper

Introduced - Rep. J. Smith; Referred to Judiciary Committee. This bill would make it unlawful to supply minors with rolling paper, and for minors to possess it.

H.4003 - Leaving Children in Cars

Introduced - Rep. F. Smith; Referred to Judiciary Committee. This proposed amendment to §20-7-50 (A) would make it unlawful to leave a child under the age of 10 unattended in a motor vehicle.

Mandatory Reporting in SC

Who are Mandatory Reporters?

South Carolina law (§20-7-510) has provided for many years that the following are mandatory reporters of suspected child abuse:

- doctors, nurses, dentists, optometrists, medical examiners, emergency medical services, mental health, allied health professionals, Christian Science practitioners, religious healers
- school teachers, counselors, social or public assistance workers, child care workers
- law enforcement officers, undertakers, funeral home directors or employees and judges

The Child Protection Reform Act, which took effect Jan. 1997 added:

- school principals and assistant principals
- substance abuse treatment staff, and
- film processors

When Must You Report? Mandatory reporters are only required to report information they receive in their professional capacity which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect.

What if I receive information while not in my professional capacity? You may report, but you cannot be subject to criminal or civil liability penalties for not reporting it.

What if I report to my supervisor?

Telling your supervisor does not discharge your legal obligation to report to DSS or law enforcement.

What about privileged communications? The law explicitly does away with all privileges (including husband/wife and professional/patient) except for attorney/client and priest/penitent, for the purpose of reporting child abuse.

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